

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHEMBULK HOUSTON PTE. LTD. and
CHEMBULK MANAGEMENT, LLC,
Plaintiffs,

V.

M/V MONTE ALEGRE, her engines,
tackle, apparel, etc., *in rem*,
CONTAINERSCHIFFSREEDEREI MONTE
ALEGRE GMBH & CO. KG and
COLUMBUS SHIPMANAGEMENT
GMBH, *in personam*,
Defendants.

[illegible]

C.A. No. 4:15-cv-00714
Admiralty 9(h)

PLAINTIFFS'/COUNTER-DEFENDANTS'
ANSWER TO COUNTERCLAIM

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiffs/Counter-Defendants, Chembulk Houston Pte. Ltd. and Chembulk Management, LLC, and file their Answer in response to the Verified Counterclaim of Counter-Plaintiff, Containerschiffsreederei MS Monte Alegre GmbH & Co. KG, and in support hereof, would show as follows:

FIRST DEFENSE

Counter-Defendants would show that Counter-Plaintiff's Counterclaim fails to state a claim upon which relief may be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

SECOND DEFENSE

1. Counter-Defendants deny the allegations contained in Paragraph I of the Counterclaim.

2. Counter-Defendants deny the allegations contained in Paragraph 1 of the Counterclaim.

3. Counter-Defendants deny the allegations contained in Paragraph 2 of the Counterclaim.

4. Counter-Defendants deny the allegations contained in Paragraph 3 of the Counterclaim.

5. Counter-Defendants deny the allegations contained in Paragraph 4 of the Counterclaim.

6. Counter-Defendants deny the allegations contained in Paragraph 5 of the Counterclaim.

7. Counter-Defendants deny the allegations contained in Paragraph 6 of the Counterclaim.

8. Counter-Defendants deny the allegations contained in Paragraph 7 of the Counterclaim.

9. Counter-Defendants deny the allegations contained in Paragraph 8 of the Counterclaim.

10. Counter-Defendants deny the allegations contained in Paragraph 9 of the Counterclaim.

11. The assertions contained in Paragraph 10 of the Counterclaim are averments of law which do not require a responsive allegation from the appearing Counter-Defendants. If it is determined that a response is warranted the allegations are denied.

12. Counter-Defendants deny the allegations contained in Paragraph II in as much as it is alleged that the damages suffered by Counter-Plaintiff were caused by in anyways the actions of the Counter-Defendants.

THIRD DEFENSE

Counter-Defendants specifically deny that they failed to adhere to statutory regulations, standards, and laws designed to prevent collisions at sea.

FOURTH DEFENSE

Counter-Defendants would further show that the incident made the basis of this lawsuit and any damages arising therefrom were not caused or contributed to by the fault or neglect of Counter-Defendants or the crew of the CHEMBULK HOUSTON or on the part of anyone for whom these Counter-Defendants are legally responsible.

FIFTH DEFENSE

Counter-Defendants would further show that they are not liable to Counter-Plaintiff because Counter-Plaintiff's own acts or omission proximately caused or contributed to any damages allegedly sustained by Counter-Plaintiff.


SIXTH DEFENSE

Counter-Defendants would further show that Counter-Plaintiff has failed to mitigate its alleged damages, if any, as required by law.

WHEREFORE, Counter-Defendants, Chembulk Houston Pte. Ltd. and Chembulk Management, LLC pray that upon a final trial and hearing hereof, the Court enter its Judgment that Counter-Plaintiff, Containerschiffsreederei MS Monte Alegre GmbH & Co. KG, take nothing, that Counter-Defendants recover their damages, expenses, and costs from Counter-

Plaintiff, and that Counter-Defendants have such other and further relief, general and special, legal and equitable, to which they may show themselves to be justly entitled.

Respectfully submitted,



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Management, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July 2015, a copy of the foregoing Answer to Counterclaim was electronically filed with the Clerk of this Court and will be served on the following counsel via the CM/ECF system:

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